

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
vs.  
MARIO BERNARDO RODRIGUEZ

CASE NO. 15CR2890-LAB

## ORDER DENYING TRANSCRIPT REQUEST

16 The Court has received a successive application from inmate Mario Rodriguez  
17 requesting the preparation and production of a sentencing transcript of his May 16, 2016  
18 sentencing hearing. The Court earlier denied the same request via a Discrepancy Order  
19 because Mr. Rodriguez's case has long been closed. The request is again **DENIED** – this  
20 time in a reasoned Order that explains why the inmate has no right or entitlement to a  
21 transcript.

22 Mr. Rodriguez pled guilty to importing 19.85 kilos of methamphetamine into the United  
23 States. His plea agreement included a waiver of appeal provision specifying that he waived  
24 the right to appeal or to collaterally attack his conviction, with the exception of raising a claim  
25 of ineffective assistance of counsel, provided the Court imposed a sentence of no more than  
26 71 months in custody. The Court sentenced Mr. Rodriguez to 68 months.

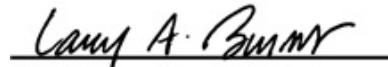
27 In his renewed application, Mr. Rodriguez argues that production of a copy of the  
28 transcript of his sentencing hearing is necessary so that he can ascertain whether his

1 sentence was procedurally and substantively reasonable. But that arrow has already left the  
2 bow. Mr. Rodriguez's sentence is now final, owing both to the passage of time and to his  
3 voluntary waiver of the right to appeal or to otherwise challenge his sentence. Because he  
4 has voluntarily waived his rights, preparing a transcript of his sentencing hearing at this late  
5 date would amount to an unjustified expenditure of public resources.

6 Mr. Rodriguez's request for production of a transcript of his sentencing hearing is  
7 **DENIED**, and the Clerk is ordered to reject any further request from him seeking the same  
8 thing.

9 **IT IS SO ORDERED.**

10 DATED: April 18, 2018

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12 HONORABLE LARRY ALAN BURNS  
13 United States District Judge  
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